

Procedural Guide

0090-503.10

FAMILY MAINTENANCE SERVICES FOR BOTH COURT AND VOLUNTARY CASES

Date Issued: **Effective date 06/15/11** (**NOTE: The effective date applies to only those sections highlighted in yellow, the rest of the procedures are currently in effect. This will allow time for SCSW to inform their CSWs of the changes.**)

☐ New Policy Release

☐ Revision of Existing Procedural Guide 0090-503.10, Family Maintenance Services for Both Court and Voluntary Cases, dated 02/08/11.

Revision Made: **NOTE: Current Revisions are Highlighted**

This Procedural Guide is being updated as a result of the release of FYI 10-75, Tracking WIC 301 and 360(b) Cases on CWS/CMS. Instructions were added directing CSWs you use the Special Projects Page in CWS/CMS to track WIC 301 and WIC 360(b) Family Maintenance Cases. In addition, clarifying language was added to describe WIC 301 and 360(b) supervision.

Cancels: **FYI 10-75**, Tracking WIC 301 and 360(b) Cases on CWS/CMS

DEPARTMENTAL VALUES

This Procedural Guide supports child safety and legal permanency by providing staff with guidelines for maintaining a child safely in the home of his or her parents in lieu of removing that child from his or her home.

WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to all new and existing referrals and cases.

OPERATIONAL IMPACT

The Welfare and Institutions Code reflects the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in section 300 and to reduce the necessity for removing these children from their home. With that goal in mind, it is the objective of the Department to utilize the least restrictive approach available while continuing to

ensure the safety and protection of children. The provision of Family Maintenance (FM) services best meets those specifications and should be considered before making the decision to remove children from their families. In a FM case the children remain in their own homes with all child welfare services being made available to their families without regard to income. The services offered may include, but are not limited to, a range of service-funded activities, including case management, counseling, emergency shelter care, emergency in-home caretakers, respite care, therapeutic day services, teaching and demonstrating homemakers, parent training, substance abuse testing and transportation. **These services are limited to six months, and may be extended for two three-month periods if it can be shown that the case plan objectives can be achieved within the extended time-period.**

Voluntary Family Maintenance (VFM) is the provision of non-court, time limited protective services to families whose children are in potential danger of abuse, neglect or exploitation when the child can safely remain in the home and the family is willing to accept services and engage in corrective action. The agreement for voluntary services may be initiated by the CSW or by the court, following the dismissal of a petition. It may be entered into if the children come within the purview of the juvenile court (WIC 300) or may soon be within its authority.

When it comes to the attention of the CSW that a mother in their caseload gives birth, it is the responsibility of that CSW to assess the safety and well being of that newborn. See Procedural Guide 0070-548.07, Assessing for the Safety and Risk of Newborns for Families Already Under DCFS Supervision.

When a CSW is considering entering into a voluntary FM case plan with a minor parent who is a dependent of the court, a CSW **cannot enter into a voluntary case plan until that minor parent has consulted with his or her attorney.** See Procedural Guide 0300-506.08, Communications with a Child's Attorney.

VOLUNTARY FAMILY MAINTENANCE

A voluntary Family Maintenance case can be initiated when the following have occurred:

- The CSW has completed the SDM Safety Assessment, Risk Assessment, SDM Safety Assessment and Family Strengths and Needs Assessment.
- The CSW has completed a case plan recommending VFM services.
- The parent(s)/guardian(s) has reviewed/agreed to and signed the case plan.
- The SCSW has approved the case plan recommending VFM services.
 - The effective date for reporting a case as Family Maintenance shall be the date the SCSW signs the completed case plan.

In order to consider VFM services the family must meet all the following criteria:

1. The child(ren) must be able to safely remain in his/her own home.
2. The parent(s)/guardian(s) who reside in the home, and/or are part of the case plan, must be willing to accept the Case Plan for FM services.

3. The parent(s)/guardian(s) who reside in the home, and/or are part of the case plan, must acknowledge the identified problem and agree to take corrective action.
4. The parent(s)/guardian(s) who reside in the home, and/or are part of the case plan, must be willing to maintain contact with the Department, be available for home calls and sign releases of information for all relevant collateral contacts.
5. CLETS and CACI must be obtained for all adult members of the household and must contain no convictions or allegations of a serious enough nature to compromise the child(ren)'s safety in the home. As a follow-up to CLETS CSWs shall request that all adult members of the household submit to Live-Scan. However, a parent's or other adult's refusal to submit to Live Scan shall not prevent the provision of VFM, VFR or Family Preservation services to the family. See Procedural Guide 0070-561.10, Live-Scan and California Law Enforcement Telecommunications System (CLETS) Clearances.
6. The presenting problems must be amenable to resolution within the time frame available for FM services.
7. VFM services shall not be provided if family maintenance services have been provided on a voluntary basis or under court supervision in the past five years for the same or similar allegations **unless ARA approval is obtained**.
8. In addition:
 - a) For sexual abuse referrals all of the following conditions must exist:
 - 1) the perpetrator **must be out of the home**
 - 2) the victim must indicate (s)he feels safe remaining in the home
 - 3) the non-offending parent must believe the victim, be willing to obtain counseling for the child(ren) and be willing to attend counseling for him or herself.
 - 4) **ARA approval must be obtained in all cases.**
 - b) For physical abuse referrals all of the following conditions must exist:
 - 1) the physical abuse must be comprised of no more than minor injuries;
 - 2) the victim must have regular contact with an outside entity (i.e., school, counselor or daycare center) that is mandated to report subsequent incidents of abuse;
 - 3) the victim must indicate (s)he feels safe remaining in the home; and
 - 4) there must be no previous substantiated reports for the same allegations.

Unless a TDM has been conducted and it was determined that the child can safely remain in the home and a Safety plan has been developed.

See Procedural Guide 0070-548.03, Family Centered Conferences/Team Decision Making (TDM) Meetings

- c) For referrals on babies born with positive toxicology screens for drugs or exhibiting signs of Fetal Alcohol Syndrome all of the following conditions must exist:

- 1) all siblings in the home must be well cared for;
- 2) there must be an outside support system willing to assist and who agrees to contact the Department in case of noncompliance with conditions of the VFM;
- 3) both the offending and non-offending parent, if in the household, must be willing to participate in drug/alcohol testing and rehabilitation; and,
- 4) there must be no previous substantiated reports for the same allegations.

Unless a TDM has been conducted and it was determined that the child can safely remain in the home and a Safety plan has been developed.

- d) For referrals which involve domestic violence all of the following conditions must exist:

- 1) The perpetrator must be out of the home;
- 2) The perpetrator agrees to comply with any existing restraining order; and,
- 3) The victim must indicate (s)he feels safe remaining in the home

9. When a CSW is considering entering into a voluntary FM case plan with a minor parent who is a dependent of the court, a CSW **cannot finalize the voluntary case plan until that minor parent has had the consulted with his or her attorney.** See Procedural Guide 0300-506.08, Communications with a Child's Attorney.

10. If the minor parent does not have the number to their attorney provide that number to him or her. If you do not have the number, provide the Children's Law Center's main number (323)-980-1700.

The decision to assign the responsibility for development of the initial case plan from the ER CSW to alternative staffing resources including ISWs, DIs or Continuing Services staff who is slated to receive the case from the Emergency Response CSW will be at Service Bureau Deputy Director and Regional Administrator discretion, with the following guidelines:

- ◆ Initial case plans on 2-pen cases should be completed by the assigned continuing services workers.
- ◆ Initial case plan duties and responsibilities from regionally opened cases can be shifted to ISW, DI, and/or continuing services CSWs when TDMs are

completed for the families for whom court FM or FR cases are opened and when the ISW, DI, and/or continuing Services staff are present at those TDMs.

- ◆ If the ISW, DI, and/or continuing services worker was represented at the TDM by their unit's duty CSW or SCSW, then the duty CSW or SCSW will assist the ISW, DI, and/or continuing services CSW with the development of the initial case plan. ISW, DI, and/or continuing services worker should review the TDM packet from ER, the referral investigation, and/or the detention report prior to the TDM meeting whenever possible to reduce reassessment during the TDM meeting with the family.
- ◆ On the other hand, if no representative from continuing services was present at the TDM, then the ER CSW should appropriately complete the initial case plan.
- ◆ The responsibility for the completion of the initial case plan for all voluntary cases shall remain with the ER CSW.

Procedures

A. WHEN: IT IS DETERMINED A REFERRAL MAY BE APPROPRIATE FOR VOLUNTARY FAMILY MAINTENANCE (VFM) SERVICES

CSW Designated to Complete the Initial Case Plan Responsibilities

1. If the case meets the requirements as specified above, ask the parent/guardian if (s)he is willing to participate in a voluntary services program and discuss a potential Initial Case Plan.

NOTE: The parent/guardian must not be coerced into agreeing to a VFM by threats of removing the child(ren) from the home. If an allegation is serious enough to warrant detention that must be the action taken. Additionally, the parent's refusal to submit to Live Scan shall not prevent the provision of VFM, VFR or Family Preservation services.

2. In cases where the parent is a minor and is a dependent of the court **do not** finalize the voluntary initial case plan with the minor parent until that minor parent has had the opportunity to consult with his or her attorney. See Procedural Guide 0300-506.08, Communications with a Child's Attorney, for further procedures.
 - a) If the minor parent does not have the number to their attorney provide that number to him or her. If you do not have the number provide the Children's Law Center's main number (323)-980-1700 or Los Angeles Dependency Lawyers (LADL) attorneys at (323) 262-0472.

5. Provide the parent/guardian with referrals to begin parenting, counseling, or testing as appropriate to their individual situation, giving him or her a time frame upon which to report back.
6. Confer with the SCSW, giving details of the potential Initial Case Plan discussed with the parent/guardian.
7. If the SCSW does not approve VFM, inform the parent/guardian and pursue other options, including:
 - a) file a detained petition
 - b) submit a non-detained petition request to Intake and Detention Control (IDC). See Procedural Guide 0300-301.06, Non-detained Petitions.
 - c) continue the assessment up to 60 days from the initial contact.
8. If the SCSW and ARA (when necessary) approve a plan of Voluntary Family Maintenance, complete an Initial Case Plan. See Procedural Guide 0080-502.10, Initial Case Plan.

NOTE: When completing the Initial Case Plan, be specific as to what each party agrees to do and who will participate in each task; i.e., mother and father will complete a program of Parent Education Classes.

Request that the parent(s)/legal guardian(s) and children aged 10 and older to participate in the development of the Initial Case Plan.

Neither the signature of the parent/guardian on the Case Plan, nor the acceptance of services, constitute an admission of guilt and cannot be used as evidence against him or her. However, failure to cooperate with the provision of services, except for good cause, may be used as evidence in the filing of a petition. In addition, it constitutes reasonable efforts on the part of the Department.

9. Make a face-to-face contact with the parent/guardian and all children who will be part of the Initial Case Plan.
 - a) Carefully explain to the parent/guardian what (s)he will be expected to do and inform him or her that if the risk to the child(ren) is not reduced or eliminated, DCFS will file a petition with the juvenile court. Document the admonition in the Contact Notebook for later use if the court intervention becomes necessary.
 - b) Review and obtain the signatures of the parent/guardian on the Initial Case Plan.

Reminder: In case where the parent is a minor and (s)he is a dependent of the court, verify that the minor parent has consulted with his/her attorney prior to having the minor parent sign the initial case plan.

- c) Obtain the parent's/guardian's signature on ABCDM DCFS 228.
- 8. Confirm the parent's/guardian's motivation to comply with the Initial Case Plan.
 - a) Obtain the date of the first appointment for counseling, etc., and verify attendance by contacting the resource directly.
 - b) If the family is unable to obtain an appointment within a reasonable length of time, but is placed on a waiting list, contact the resources provided to verify attempts were made, how long the wait is likely to be and provide additional resources if appropriate.
 - c) If the parent/guardian fails to respond within the time given, contact him or her to verify their intention to comply with the agreement.
 - d) If the parent/guardian fails to follow through with the first task required, reassess the options as in number 5.
 - e) Document all contacts in the Contact Notebook. See Procedural Guide 0400-503.04, Standards for Documenting Contacts.
- 9. Submit case to SCSW for transfer to the FM/R/G CSW (if not already assigned).

SCSW Responsibilities

- 1. Review the case for content and completeness, including the online SDM Assessment tools.
 - a) If approved, sign Initial Case Plan. If not approved, return to CSW for corrective action.
 - b) If necessary, obtain ARA approval and signature of the Initial Case Plan for the case situations specified on Page 3 of this Procedural Guide.
 - c) Change the program to FM effective the date of the Initial Case Plan was approved.

CSW Designated to Complete the Initial Case Plan Responsibilities

- 1. If applicable, contact the parent/guardian and inform him or her that the case is being transferred to a FM/R/G CSW and (s)he can expect to be contacted within ten five calendar days of the transfer.

FM/R/G SCSW Responsibilities

- 1. Within 3 calendar days from ER, review the hard copy and CWS/CMS case for completeness, and deliver the hard-copy case to the newly assigned FM/R/G CSW.

B. WHEN: PROVIDING ONGOING SERVICES FOR A VOLUNTARY FAMILY MAINTENANCE CASE

Case-Carrying CSW Responsibilities

1. Upon receipt of the case, review the case, including the SDM Safety Assessment, Risk Assessment, SDM Safety Plan, and Family Strengths and Needs Assessment. If applicable, contact the CSW that completed the initial case plan to confer on issues related to the case and the Initial Case Plan.

If already assigned to the case proceed to step 4.

2. Contact the parent/guardian within five calendar days from the date of receipt of the case.
 - a) Introduce yourself as the newly assigned CSW.
 - b) Have face-to-face contact with the family within 10 calendar days of receiving the electronic assignment-at a time when all parties to the agreement will be available.
3. Make the first face-to-face contact in the home with all parties present:
 - a) Bring a copy of the Initial Case Plan/Case Plan Update agreement, review it with the signatories and reaffirm their commitment to cooperate with provisions of the Case Plan.
 - b) Review the Case Plan Objectives and progress being made toward reaching the goals.
4. Telephone the therapist/counselor if applicable:
 - a) Identify yourself as the contact person from the Department.
 - b) Obtain updated information as to the parent/guardian's attendance and progress.
 - c) Request regular phone contact and written progress reports every three months.
 - i) Reassess the continued appropriateness of the Case Plan at each home visit, and if the previous Case Plan is no longer effective, submit a Case Plan Update to the parent/guardian and SCSW. See Procedural Guide 0080-504.20, Case Plan Update.
 - d) Identify potential barriers to the achievement of the objectives and provide solutions.
 - e) Assess the child(ren)'s continued safety in the home.
 - i) Interview each child separately and in private.
 - f) Review with the signatories, the tasks to be accomplished prior to the next visit.

- g) Document all contacts in the Contact Notebook.
5. Make regular face-to-face contacts with the parent/guardian and child(ren) as required for the Family Maintenance program. See Procedural Guide 0400-503.10, Contact Requirements and Exceptions.

Reminder: Cases in which children are receiving services in their own homes require frequent visits and reassessments, as the risk factors can change very quickly.

6. Prepare a Case Plan Update as frequently as the service needs of the child and family dictate, but no less frequently than once every six months. See Procedural Guide 0080-504.20, Case Plan Update.
7. Five months from the date the case initial case plan for VFM services was approved by the SCSW, confer with all pertinent collateral contacts, the SCSW and the family to reassess the progress toward Case Plan objectives and the present level of risk to the child(ren). Complete the SDM Risk Reassessment tool and if necessary the SDM Family Strengths and Needs Reassessment tool.
8. Delineate the plan for the next service period. Options available include:
- a) Extending voluntary family maintenance services beyond the initial six months requires:

ARA approval to extend VFM services for an additional 3 months;

ARA and RA approval to extend VFM services for an additional 3 more months (i.e., for a total of six months); and,

ARA, RA and Bureau Chief approval to extend VFM services beyond the 12 months allowed by State regulation.

NOTE: Pursuant to California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Division 31.086.113(a):

The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.

In cases where the parent is a minor and is a dependent of the court, **do not** finalize the voluntary FM case plan update with the minor parent until that minor parent has had the opportunity to consult with his or her attorney. See Procedural Guide 0300-506.08, Communications with a Child's Attorney, for further procedures.

In case where the parent is a minor and (s)he is a dependent of the court, verify that the minor parent has consulted with his/her attorney prior to having the parent sign the case plan update.

- b) The utilization of a voluntary placement agreement. See Procedural Guide 0100-510.21, Voluntary Placement.
 - c) Remove the children and file a petition in juvenile court. See Procedural Guide 0070-548.20, Taking Children Into Temporary Custody.
 - d) Terminate services.
9. Terminate voluntary FM services when one of the following occurs:
- a) The case plan objectives have been achieved and the child is no longer at risk as determined by the (SDM) Risk Reassessment. See Procedural Guide 0080-502.25, Assessment Process to Terminate Child Welfare Services.
 - b) The parent(s)/guardian(s) refuse continued services and there are no present endangerment safety or risk factors present.
 - c) The child reaches the age 18.
 - d) The whereabouts of the child and/or family become unknown and all efforts to locate have been unsuccessful.
 - e) The child dies of causes not related to child abuse with additional siblings in the home. See Procedural Guide 0300-503.75, Child Death, Serious Injury or Illness Reporting Responsibilities.
 - f) The maximum time allowed by State regulation has been completed.
10. If terminating child welfare services follow the procedures set forth in Procedural Guide 0080-502.25, Assessment Process to Terminate Child Welfare Services.
11. If the situation has not been ameliorated after eleven months of VFM services, confer with the SCSW to determine the advisability of filing a petition in court utilizing the previous services as "Reasonable Efforts."

SCSW Responsibilities

- 1. Review the on-line case record including the SDM Risk Reassessment, and Family Strengths and Needs Reassessment tools along with any supporting documents contained in the hard-copy case file to ensure that the risk level to the child(ren) is low and that all necessary collateral contacts have been made.
 - a) Document in the Closure Statement field of the Closure Summary Page that the review was conducted along with a brief summary of the results of the review.
- 2. If appropriate, approve End Case request. If not, return to CSW for corrective action.
- 3. If approved, End Case on CWS/CMS.

C. WHEN: A COURT INVOLVED FAMILY MAINTENANCE SERVICES CASE IS RECEIVED

CSW Designated to Complete the Initial Case Plan Responsibilities

A court case can be changed to the FM program under the following circumstances:

1. Prior to the Disposition hearing **only** if all of the following criteria are met:
 - a.) The child is receiving ER services.
 - b.) The CSW has filed a petition for detention and/or jurisdiction and completed a Case Plan recommending FM services.
 - c.) The SCSW has approved the Case Plan recommending FM services.
 - i) The effective date for reporting a case as receiving FM services shall be the date the SCSW signs the completed Case Plan.
 - d.) Contact and confer with the DI, as necessary until the Disposition hearing is completed.
 - e.) ARA approval and signature have been obtained for the case situations specified on Page 3 of this Procedural Guide.
2. At the Disposition hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300:
 - a.) The court has ordered that Family Maintenance services be provided.
 - i) The effective date for reporting a case as receiving Family Maintenance services shall be the date of the hearing at which Family Maintenance services were ordered.

NOTE: Pursuant to WIC 366.3(f) the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents up to a period of six months, and family maintenance services, as needed for an additional six months in order to return the child to a safe home environment.

A case assigned to an ER CSW with which the court becomes involved, remains with that worker until after the Detention hearing and shall be transferred to a FM/R/G CSW within 60 days of the initial face-to-face contact.

A case from ERCP in which a child is detained from the offending parent and placed with the non-offending parent will be transferred directly to the FM/R/G CSW after the initial assessment for ongoing services and the completion of the initial case plan.

A case already assigned to a FM/R/G CSW will not be transferred when the program is changed, or if a new child is added.

If the court, on its own motion, orders the dismissal of a petition without prejudice and the provision of informal supervision pursuant to WIC 301, the Juvenile Court Services CSW will contact the case-carrying CSW by telephone for assistance in completing the Case Plan. The Court Service Plan should be incorporated into the Initial Case Plan.

WIC 301(a) states in part that, in any case in which a social worker, after investigation of an application for petition or other investigation he or she is authorized to make, determines that a child is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the social worker may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the child's parent or guardian, undertake a program of supervision of the child. If a program of supervision is undertaken, the social worker shall attempt to ameliorate the situation which brings the child within, or creates the probability that the child will be within, the jurisdiction of Section 300 by providing or arranging to contract for all appropriate child welfare services pursuant to Sections 16506 and 16507.3, within the time periods specified in those sections. In addition, the Court also has the ability to dismiss a petition and order WIC 301 supervision.

Pursuant to **Welfare and Institutions Code Section 360(b)** the court can make the finding that a child is a person described by Section 300, it may, without adjudicating the child a dependent child of the court, order that services be provided to keep the family together and place the child and the child's parent or guardian under the supervision of the social worker for a time period consistent with Section 301

In both cases CSWs are providing voluntary family maintenance services to the family as court. In the case of WIC 301 the Court has dismissed the WIC 300 petition and has ordered the Department and family to enter into a voluntary family maintenance agreement. In the case of a WIC 360(b) the court has sustained the petition but does not declare the child a dependent of the Court and dismisses court jurisdiction on the condition that the Department and family to enter into a voluntary family maintenance agreement. See Part B of this Procedural Guide for instructions on the provision of Voluntary FM Services.

In cases where the Court has ordered FM services pursuant to WIC 360(b) and the family subsequently is unable or unwilling to cooperate with the services being provided, the CSW may file a petition with the juvenile court pursuant to Section 332 alleging that a previous petition has been sustained and that disposition pursuant to subdivision (b) has been ineffective in ameliorating the situation requiring the child welfare services. Upon hearing the petition, the court shall order either that the petition shall be dismissed or that a new disposition hearing shall be held pursuant to subdivision (d). See Procedural Guides 0070-548.20, Taking Children into Temporary Custody, 0300-301.05, Petitions, and 0300-301.06, Non-detained Petitions

SCSW Responsibilities

1. Review the case for completeness and immediately deliver to the assigned FM/R/G CSW.

D. WHEN: PROVIDING ONGOING FM SERVICES FOR A COURT INVOLVED CASE

Case-Carrying CSW Responsibilities

1. If this case is not a 2-Pen, proceed to step 2.

If this is a case from ERCP (2-Pen Case), review the case, including the SDM Safety Assessment, Risk Assessment, SDM Safety Plan. Pay special attention to the Minute Order, if one is present, to ascertain court orders. In addition take the following steps:

- a) Contact and confer with IDC for additional information if necessary.
 - b) Complete the SDM Family Strengths and Needs Assessment tool.
 - c) Contact the parent/guardian within five calendar days from the date of receipt of the case.
 - d) Have face-to-face contact with the family within 10 calendar days of receiving the electronic assignment-at a time when all parties to the agreement will be available.
 - e) Take a copy of the Minute Order from the Detention hearing and review the court's orders with the parent/guardian.
 - f) Assess each child by interviewing him or her separately and in private.
 - g) Initiate an Initial Case Plan by following CSW steps in Part A of this Procedural Guide.
2. Make regular face-to-face contacts with the parent/guardian and child(ren) as required for the Family Maintenance program. See Procedural Guide 0400-503.10, Contact Requirements and Exceptions.
 - a) Review the Case Plan objectives and progress being made toward reaching the goals.
 - b) Identify potential barriers to the achievement of the objectives and provide solutions.
 - c) Reassess the continued appropriateness of the Case Plan. If there are any major changes in the family situation, complete the SDM Risk Reassessment and the Family Strengths and Needs Reassessment.

- i) If the previous Case Plan is no longer effective, obtain the parent/guardian's participation in the development of a modified case plan. See Procedural Guide 0080-504.20, Case Plan Update.
 - ii) Confer with and obtain SCSW approval on a modified Case Plan and any newly created SDM Reassessment tool(s).
 - iii) A modified Case Plan must be sent to court.
 - d) Assess the child(ren)'s continued safety in the home.
 - i) Interview each child separately and in private.
 - e) Review with all parties to the Case Plan, tasks to be accomplished prior to the next contact.
3. Document all contacts in the Contact Notebook.

Reminder: Cases in which children are receiving services in their own homes require frequent contacts and reassessments, as the risk factors can change very quickly.

4. Two months prior to the scheduled status review hearing, begin to gather information for the SDM Risk Reassessment and the Family Strengths and Needs Reassessment tools, the court report, and Case Plan Update.
- a) Confer with all collateral contacts and request written reports from professional resources.
 - b) Confer with the SCSW to determine what recommendations will be made at the status review hearing. Possible recommendations include:
 - i) Termination of court jurisdiction and services, if the Case Plan objectives have been achieved and/or the child is no longer in danger.

NOTE: In cases where previously the court has ordered the return of the child to the home against the recommendation of our Department and the recommendation is that jurisdiction be terminated, **ARA approval is not required.**

- ii) Continued Family Maintenance services for an additional six months, if the child(ren) remain safe in the home and it is anticipated that the goals can be reached within that time frame.
- iii) File a supplemental petition and request detention and out-of-home placement, if the parent/guardian has failed to achieve the goals of the Case Plan and the child(ren) remain endangered.

- c) **extending** family maintenance services beyond the initial six months requires:
ARA approval to extend FM services for an additional 3 months;
ARA and RA approval to extend FM services for an additional 3 more months; and,

ARA, RA and Bureau Chief approval to extend FM services beyond the 12 months allowed by State regulation.
 - d) Confer with the parent/guardian and all children over the age of ten years regarding the progress made and the recommendation that will be submitted at the upcoming status review hearing.
5. Prior to completing the Court Report/Updated Case Plan, complete the SDM Risk Reassessment and the Family Strengths and Needs Reassessment tools. Prepare the Court Report/Updated Case Plan and submit both to the SCSW for approval thirty days prior to the scheduled court hearing. See Procedural Guides 0300-308.07, Time Frames for Submission of Court Reports and 0300-503.15, Writing the Status Review Hearing Report.
 6. Review the Court Report/Updated Case Plan with the parent/guardian and all children ten years and older and obtain the parent's/guardian's signatures on the Updated Case Plan.
 - a) If the parent/guardian and/or child(ren) ten years and older are unable or unwilling to sign the Updated Case Plan, document the reason on the Signature Page.
 7. Send the completed status review hearing court report to court five judicial days prior to the hearing.

Upon completion of the status review hearing, and receipt of the Minute Order, **check** for changes of orders and proceed as above.

NOTE: In a WIC 360(b) supervision cases where the family is unable or unwilling to cooperate with the FM services being provided and the CSW believes the child(ren) remain at risk, contact IDC to file a petition pursuant to Section 332 alleging that a previous petition has been sustained and that disposition pursuant to subdivision (b) has been ineffective in ameliorating the situation requiring the child welfare services..

E. WHEN: TRACKING WIC 301 AND 360(b) CASES ON CWS/CMS

Case-Carrying CSW Responsibilities

1. Upon receipt of the minute order, take the following steps:

- a) On the ID Page of the case under Status, select "Voluntary." Then select "Voluntary" in the Status field. In the Status field, enter the effective date. The effective date is the date the court made its order.
- b) On the Special Projects Page, select either "WIC 301 FM supervision" or "WIC 360(b) FM supervision."
- c) Upon completion of the period of supervision, enter an end date. The end date is the last day that FM services were provided.

APPROVAL LEVELS

Section	Level	Approval
A,	SCSW ARA	Initial Case Plan VFM All Sex abuse cases Prior FM services in past 5 years – same allegation (both VFM and Court)
B.	SCSW ARA	Extend VFM additional 3 months (total of 9 months)
	SCSW ARA & RA	Extend VFM additional 3 months (total of 12 months)
	SCSW, ARA, RA & Deputy Director	Extend VFM services beyond the 12 months
C	SCSW ARA	Extend Court FM additional 3 months (total of 9 months)
	SCSW ARA & RA	Extend Court FM additional 3 months (total of 12 months)
	SCSW, ARA, RA & Deputy Director	Extend Court FM services beyond the 12 months
D	None	

OVERVIEW OF STATUTES/REGULATIONS

Welfare and Institutions Code Section WIC 301(a) states in part that, in any case in which a social worker, after investigation of an application for petition or other

investigation he or she is authorized to make, determines that a child is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the social worker may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the child's parent or guardian, undertake a program of supervision of the child. If a program of supervision is undertaken, the social worker shall attempt to ameliorate the situation which brings the child within, or creates the probability that the child will be within, the jurisdiction of Section 300 by providing or arranging to contract for all appropriate child welfare services pursuant to Sections 16506 and 16507.3, within the time periods specified in those sections. In addition, the Court also has the ability to dismiss a petition and order WIC 301 supervision

Welfare and Institutions Code Section 301(c)

If the parent is a dependent of the juvenile court at the time that a social worker seeks to undertake a program of supervision pursuant to subdivision (a), including a voluntary family reunification program or a voluntary family maintenance program, and if counsel has been appointed for the parent pursuant to subdivision (c) of Section 317, the program of supervision shall not be undertaken until the parent has consulted with his or her counsel.

Welfare and Institutions Code Section 360(b) states in part that, if the court finds that the child is a person described by Section 300, it may, without adjudicating the child a dependent child of the court, order that services be provided to keep the family together and place the child and the child's parent or guardian under the supervision of the social worker for a time period consistent with Section 301.

Welfare and Institutions Code Section 360(c)

If the family subsequently is unable or unwilling to cooperate with the services being provided, the social worker may file a petition with the juvenile court pursuant to Section 332 alleging that a previous petition has been sustained and that disposition pursuant to subdivision (b) has been ineffective in ameliorating the situation requiring the child welfare services. Upon hearing the petition, the court shall order either that the petition shall be dismissed or that a new disposition hearing shall be held pursuant to subdivision (d).

Welfare and Institutions Code Section 360(d)

If the court finds that the child is a person described by Section 300, it may order and adjudge the child to be a dependent child of the court.

Welfare and Institutions Code Section 16506

Family maintenance services shall be provided or arranged for by county welfare department staff in order to maintain the child in his or her own home. These services shall be limited to six months, and may be extended in periods of six-month increments if it can be shown that the objectives of the service plan can be achieved within the

extended time periods, and provided within the county's allocation. Family maintenance services shall be available without regard to income and shall only be provided to any of the following:

- (a) Families whose child or children have been adjudicated a dependent of the court under Section 300, and where the court has ordered the county welfare department to supervise while the child remains in the child's home.
- (b) Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's home only with the provision of services.
- (c) Families in which the child is in the care of a previously non-custodial parent, under the supervision of the juvenile court.
- (d) Family maintenance services shall be provided to any individual and child who are referred pursuant to Section 11254 and who are not placed in foster care and who meet any of the criteria of subdivision (b) of Section 11254. The services shall be provided until the individual reaches 18 years of age.

Welfare and Institutions Code Section 364 (a)

Every hearing in which an order is made placing a child under the supervision of the juvenile court pursuant to Section 300 and in which the child is not removed from the physical custody of his or her parent or guardian shall be continued to a specific future date not to exceed six months after the date of the original dispositional hearing. The continued hearing shall be placed on the appearance calendar. The court shall advise all persons present of the date of the future hearings, of their rights to be present, and to be represented by counsel

Welfare and Institutions Code Section 364 (c)

After hearing any evidence presented by the social worker, the parent, the guardian, or the child, the court shall determine whether continued supervision is necessary. The court shall terminate its jurisdiction unless the social worker or his or her department establishes by a preponderance of evidence that the conditions still exist which would justify initial assumption of jurisdiction under Section 300, or that those conditions are likely to exist if supervision is withdrawn. Failure of the parent or guardian to participate regularly in any court ordered treatment program shall constitute prima facie evidence that the conditions, which justified initial assumption of jurisdiction still exist and that continued supervision is necessary

Welfare and Institutions Code Section 364 (d)

If the court retains jurisdiction it shall continue the matter to a specified date, not more than six months from the time of the hearing, at which point the court shall again follow the procedure specified in subdivision (c).

California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Division 31-086, sets forth the term and conditions for the provision of family maintenance services to families.

LINKS

California Code <http://www.leginfo.ca.gov/calaw.html>
Division 31 Regulations <http://www.cdss.ca.gov/ord/PG309.htm>
Title 22 Regulations <http://www.dss.cahwnet.gov/ord/PG295.htm>

RELATED POLICIES

[Procedural Guide 0070-548.20](#), Taking Children Into Temporary Custody
[Procedural Guide 0070-561.10](#), Live-Scan and California Law Enforcement Telecommunications System (CLETS) Clearances
[Procedural Guide 0070-548.03](#), Family Centered Conferences/Team Decision Making (TDM) Meetings
[Procedural Guide 0070-548.07](#), Assessing for the Safety and Risk of Newborns for Families Already Under DCFS Supervision
[Procedural Guide 0080-502.10](#), Initial Case Plan
[Procedural Guide 0080-502.25](#), Assessment Process to Terminate Child Welfare Services
[Procedural Guide 0080-504.20](#), Case Plan Update
[Procedural Guide 0100-510.40](#), Teen Parent's in Foster Care
[Procedural Guide 0300-301.06](#), Non-detained Petitions
[Procedural Guide 0300-503.75](#), Child Death, Serious Injury or Illness Reporting Responsibilities
[Procedural Guide 0300-503.15](#), Writing the Status Review Hearing Report
[Procedural Guide 0300-506.08](#), Communications with a Child's Attorney
[Procedural Guide 0400-503.05](#), Standards for Documenting Contacts
[Procedural Guide 0400-503.10](#), Contact Requirements and Exceptions

FORM(S) REQUIRED/LOCATION

Hard Copy: None

LA Kids: [ABCDM DCFS 228](#), Applicant's Authorization for Release of Information

CWS/CMS: Contact Notebook
Initial Case Plan
Case Plan Update

SDM: Structured Decision Making (SDM) Safety Assessment tool
Structured Decision Making (SDM) Risk Assessment tool
Structured Decision Making (SDM) Family Strengths and Needs Assessment
Structured Decision Making (SDM) Risk Reassessment tool
Structured Decision Making (SDM) Family Strengths and Needs Reassessment